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DIRECTOR OFFICE
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In re Application of
Mi Young Kim
Application No. 09/662,023
Filed: September 14, 2000
For: **METHOD FOR CHECKING DISK
LOADING STATUS IN OPTICAL
DRIVER**

: DECISION GRANTING REQUEST
: TO RESET PERIOD FOR REPLY
:
:

This is a decision on the request filed on November 29, 2004, requesting that the shortened statutory period for reply set forth in the Office communication mailed on August 27, 2004 be reset to run from the date on which the missing Tonegawa reference was actually received by the practitioner.

The petition is **GRANTED**.

Practitioner stated that the Office action mailed August 27, 2004 was incomplete inasmuch as a copy of the Tonegawa reference was not listed on the PTO-892 accompanying the Office action and a copy of said reference was not provided with the Office action. Practitioner also provided a statement that the missing Tonegawa reference was sent by the examiner and received via facsimile by the attorney of record on November 15, 2004.

The request to reset the period for reply was not filed within the first month; however, applicant did notify the Office with approximately 2 weeks of the shortened statutory period of time for reply remaining. Therefore, the petition meets the criteria for resetting a time period to respond to an Office action as set forth in MPEP §710.06; wherein at least one month must be provided.

Accordingly, the shortened statutory period that was originally set forth in the Final Office action originally mailed on August 27, 2004 is hereby reset to run ONE MONTH FROM THE RECEIPT DATE OF November 15, 2004.

Krista Zele
Special Program Examiner
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Communications